IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25244 of 2004

Between:

Shaik Khadar Basha, s/o Mahaboob Saheb,
r/o Ananthasagaram, Ananthasagaram Mandalam,
Nellore District A.P.,

..... PETITIONER

AND

1 The Mandal revenue Officer, Ananthasagaram Mandalam,
Ananthasagaram, Nellore District, A.P.,
2 The revenue Divisional Officer, Nellore, Nellore district, A.P.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of writ of MANDAMUS, directing the respondents herein not to interfere with the possession and enjoyment of the petitioner herein in his land an extent of Ac.3.90 cents in Survey no.1114/1P and an extent of Ac.1.00 in Survey No.1123/2 in total Ac.4.90 cents of Devarapally BIT-I VILLAGE, Ananthasagaram Mandalam, Nellore District A.P., pending the statutory appeal No.RCD 274/2004 before the second respondent after calling for the records and pass such other orders

Counsel for the Petitioner: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Petitioner Submits that first respondent assigned land to him to a total extent of Ac.4-90 cents in Sy. Nos. 1114/1P and 1123/2 of Devarayapally BIT-I village, Ananthasagaram Mandal in the year 1992 and since then he has been in possession and enjoyment of the said land by raising dry crops. The first respondent also issued pattadar passbook to him in respect of the said land. He submits that he secured loan from the Syndicate Bank to a tune of Rs.25,000/- and spent Rs.5,000/- per each acre for the development of the said land.

It is his grievance that on 29-7-2004, the first respondent issued notice to him, to which he submitted his explanation to the first respondent, stating that he did not alienate the said land to others and he has been personally cultivating the said land. But, the first respondent, without considering his explanation, passed orders vide proceedings dated 14.9.2004 resuming the land to the Government and further directing the Mandal Revenue Inspector to take possession of the lands. Aggrieved by the said orders, the petitioner preferred an appeal before the second respondent, who posted the appeal for hearing to 17.1.2005, without suspending the proceedings dated 14.9.2004, issued by the first respondent.

It is his contention that if the first respondent takes possession of the said land from him, he will be put to irreparable loss and damage. Hence the Writ petition.

Having regard to the facts and circumstances of the case and since the appeal preferred by the petitioner against the orders of the first respondent is pending adjudication before the second respondent, I dispose of the writ petition, with a direction to the second respondent to pass appropriate orders on the appeal preferred by the petitioner, in accordance with law. Till then *status-quo* obtaining as on today, shall be maintained by both parties. No costs.

SD/- ASADULLAH KHAN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal revenue Officer, Ananthasagaram Mandalam, Ananthasagaram, Nellore District, A.P.,
2 The Revenue Divisional Officer, Nellore, Nellore district, A.P.,

3. Two copies to G.P. for Revenue, High Court buildings, Hyderabad.

4. Two CD copies.

5. **One CC to MR. Nuthalapati Krishna Murthy, Advocate. (OPUC)**

P.M.

Dated: 31-12-2004

ORDER

WP.NO. 25244 OF 2004

Disposing of the WP

Without costs.